

Message Text

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ACTION L-01

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C O N F I D E N T I A L USUN 1080

LIMDIS

E.O. 11652: GDS
TAGS: UN, PFOR
SUBJ: INTERNATIONAL LAW COMMISSION: ELECTIONS

REF: STATE 032630 AND USUN 392

1. USUN HAS RECEIVED A LETTER DATED 11 APRIL FROM AMB. COSTA LOBO OF PORTUGAL IN HIS CAPACITY AS CHAIRMAN OF THE WEO GROUP FOR APRIL IN WHICH HE PROPOSES, IF THE MEMBERS OF THE GROUP AGREE, TO INFORM THE ASIAN GROUP CHAIRMAN THAT WEO MEMBERS WILL HONOR THE 1961 GENTLEMEN'S AGREEMENT BY NOT RPT NOT NOMIATING CANDIDATES FROM THEIR COUNTRIES FOR THE VACANCY CAUSED BY THE DEATH OF AMBASSADOR EDWARD HAMBRO. THE WEO GROUP WILL MEET ON 13 APRIL ON THIS AND OTHER MATTERS.

2. THE PORTUGUESE INITIATIVE SEEMS A PRAISEWORTHY ONE IN THE CONTEXT OF PRESERVING MAXIMUM WESTERN REPRESENTATION IN THE INTERNATIONAL LAW COMMISSION IN THE COMING YEARS. WHILE IT WOULD BE BEST AT THE 13 APRIL MEETING TO LET THE SCANDANAVIANS EXPRESS THEIR VIEWS FIRST, WE BELIEVE WE SHOULD SUPPORT THE PORTUGUESE INITIATIVE.

3. FOLLOWING IS THE TEXT OF THE LETTER WHICH, IF AGREED,
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COSTA LOBO WOULD TRANSMIT TO THE ASIAN GROUP CHAIRMAN (WE HAVE NOT SEEN THE REFERENCED NOTE OF 11 MARCH 1977 FROM IRAN AND CANNOT OBTAIN IT ON EASTER MONDAY BUT WILL TRY TO DO SO SUBSEQUENTLY. IT PRESUMABLY ASKS THAT THE GENTLEMEN'S AGREEMENT BE HONORED BY ALLOWING THE VACANCY TO BE FILLED BY AN ASIAN.)

QUOTE ANNEX I

THE PERMANENT REPRESENTATIVE OF TO THE UNITED NATIONS IN HIS CAPACITY OF CHAIRMAN OF THE GROUP OF WESTERN EUROPEAN AND OTHER STATES PRESENTS HIS COMPLIMENTS TO THE PERMANENT REPRESENTATIVE OF IN HIS CAPACITY OF CHAIRMAN OF THE ASIAN GROUP AND HAS THE HONOUR TO ACKNOWLEDGE RECEIPT OF THE NOTE OF 11 MARCH, 1977 FROM THE PERMANENT REPRESENTATIVE OF IRAN CONCERNING THE VACANCY ON THE INTERNATIONAL LAW COMMISSION CAUSED BY THE SUDDEN DEATH OF AMBASSADOR HAMBRO OF NORWAY. ON BEHALF OF THE GROUP OF WESTERN EUROPEAN AND OTHER STATES THE PERMANENT REPRESENTATIVE OF WISHES TO CONVEY HIS APPRECIATION FOR THE FEELINGS OF LOSS AND CONCERN EXPRESSED BY THE ASIAN GROUP.

AS IS STATED IN THE NOTE OF THE PERMANENT REPRESENTATIVE OF IRAN, THE STATUTE OF THE INTERNATIONAL LAW COMMISSION REQUIRES THAT THE PRESENT VACANCY BE FILLED BY THE MEMBERS OF THE INTERNATIONAL LAW COMMISSION THEMSELVES. HOWEVER, IN THE VIEW OF THE GROUP OF WESTERN EUROPEAN AND OTHER STATES (WHICH THEY EXPRESSED AT THE TIME OF THE ELECTIONS TO THE INTERNATIONAL LAW COMMISSION DURING THE THIRTY-FIRST SESSION OF THE GENERAL ASSEMBLY), IT IS DESIRABLE THAT THE MEMBERS OF THE UNITED NATIONS SHOULD ABIDE BY THE GENTLEMEN'S AGREEMENT RELATING TO THE DISTRIBUTION OF SEATS ON THE COMMISSION, AND IT WOULD CONFORM WITH THAT AGREEMENT IF AN ASIAN CANDIDATE WERE ELECTED TO THE PRESENT VACANCY. ACCORDINGLY, THE MEMBERS OF THE GROUP OF WESTERN EUROPEAN AND OTHER STATES HAVE AGREED

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NOT TO NOMINATE A CANDIDATE FROM THE COUNTRIES THEY REPRESENT FOR THE PRESENT VACANCY AND THEY WILL BRING TO THE ATTENTION OF THOSE MEMBERS OF THE INTERNATIONAL LAW COMMISSION FROM THE COUNTRIES THEY REPRESENT THE VIEWS EXPRESSED IN THIS NOTE AND IN THE NOTE OF 11 MARCH FROM THE PERMANENT REPRESENTATIVE OF IRAN.

THE PRESENT EXCHANGE OF NOTES GIVES THE GROUP OF WESTERN EUROPEAN AND OTHER STATES OCCASION TO OBSERVE THAT ELECTION RESULTS THAT ARE NOT IN CONFORMITY WITH GENTLEMEN'S AGREEMENT ARE GENERALLY TO BE DEPLORED. THEY WOULD WELCOME THE VIEWS OF THE ASIAN GROUP WITH REGARD TO THE FEASIBILITY OF MAKING ARRANGEMENTS WHICH WOULD ENSURE A DISTRIBUTION OF SEATS ON THE COMMISSION IN ACCORDANCE WITH THE GENTLEMEN'S AGREEMENT.

THE PERMANENT REPRESENTATIVE OF
TO THE UNITED NATIONS AVAILS HIMSELF OF THIS OPPORTUNITY
TO RENEW TO THE PERMANENT REPRESENTATIVE OF

TO THE UNITED NATIONS THE ASSURANCES OF HIS HIGHEST
CONSIDERATION.

NEW YORK, ... APRIL 1977

CHAIRMAN OF THE ASIAN GROUP
PERMANENT REPRESENTATIVE OF
TO THE UNITED NATIONS

NEW YORK

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